



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 15 2010

Yvette McElroy
Field Director
Fannie Lou Hamer Federal Political
Action Committee
19600 W. McNichols
Detroit, Michigan 48219

RE: MUR 6228
Fannie Lou Hamer Federal
Political Action Committee and
Edwin Washington, in his official
capacity as treasurer

Dear Ms. McElroy:

On November 3, 2009, the Federal Election Commission found reason to believe that Fannie Lou Hamer Federal Political Action Committee and Edwin K. Washington, in his official capacity as treasurer, violated 2 U.S.C. § 434(a)(4)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). These findings were based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). After further consideration of the circumstances of the matter, the Commission determined on April 8, 2010, to take no further action as to the Respondents, and closed the file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's findings, is attached for your information.

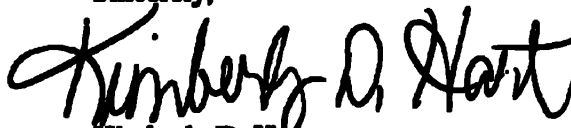
Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with 2 U.S.C. § 434(a). Political committees, other than authorized committees of a candidate, that file quarterly reports shall file them no later than the 15th day after the last day of each calendar quarter, except that the report for the 4th quarter ending on December 31st of such calendar year shall be filed no later than January 31st of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i). In addition, political committees, other than authorized committees of a candidate, shall file a post-general election report no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii). The Commission cautions the Respondents to take steps to ensure that the filing of its reports is in compliance with the Act and the Commission's Regulations.

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Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly D. Hart". The signature is fluid and cursive, with the first name "Kimberly" being more prominent and the last name "Hart" following in a similar style.

Kimberly D. Hart
Attorney

Enclosure

Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS****MUR 6228****RESPONDENTS:****Fannie Lou Hamer Federal Political
Action Committee and Edwin K.
Washington, in his official capacity as
treasurer****I. INTRODUCTION**

This matter originated with information ascertained by the Federal Election Commission ("the Commission") in the normal course of its supervisory responsibilities. For the reasons set forth below, on November 3, 2009, the Commission found that there was reason to believe that Fannie Lou Hamer Federal Political Action Committee and Edwin K. Washington, in his official capacity as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii) by failing to file timely disclosure reports. However, on April 8, 2010, the Commission concluded that, based on new information submitted by the Respondents after the reason to believe finding, it would take no further action with respect to this matter and close the file, but caution the Respondents to file future disclosure reports in a timely manner.

II. FACTUAL SUMMARY

The Respondents ceased filing reports in 2004 after their August 10, 2004, submission of the 2004 April Quarterly Report covering January 1 through March 31, 2004. They received Notices of Failure to File (RQ-7s) for all required subsequent reports starting with the 2004 July Quarterly Report through the 2006 Year End Report.

1 The Respondents did not respond to any of the Notices of Failure to File (RQ-7s)
2 and did not contact the Commission until August 7, 2007, almost five months after being
3 notified of the Commission's intent to administratively terminate the Committee.
4 However, the Respondents had several telephone conversations with the Commission
5 between September 3, 2008, and April 6, 2009, in an attempt to rectify the previous filing
6 lapses.

7 Meanwhile, the Commission administratively terminated the Respondents' filing
8 requirements on April 16, 2007, after they did not provide a written objection to the
9 Administrative Termination Notice dated March 15, 2007. The letter also informed the
10 Respondents that "however any receipt or disbursement of funds by the committee for the
11 purpose of influencing a Federal election or supporting a federal candidate will void the
12 administrative termination."

13 On September 8, 2008, the Respondents filed, on paper, all consecutive reports
14 from the 2004 October Quarterly to the 2007 October Quarterly Report. The reports
15 disclosed total receipts of \$295,837 and total disbursements of \$290,640.83. However,
16 since Respondents exceeded the mandatory electronic filing threshold during the 2004
17 October Quarterly reporting period, the Commission sent notices requiring them to re-file
18 all reports starting with the 2004 October Quarterly Report electronically.

19 On October 29, 2008, the Respondents electronically re-filed their 2004 October
20 Quarterly, 2004 Year End, 2005 April Quarterly, 2005 July Quarterly, 2005 October
21 Quarterly, 2005 Year End, 2006 April Quarterly, 2006 July Quarterly, 2006 October
22 Quarterly, 2006 Year End, and 2007 April Quarterly Reports. On March 13, 2009, the
23 Respondents electronically filed their 2007 Year End, 2008 April Quarterly, 2008 July

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1 Quarterly, and 2008 Amended July Quarterly Reports. Finally, on April 22, 2009, the
2 Respondents filed a 2008 Year End Report. The filed reports collectively disclosed
3 \$418,572.00 in total receipts and \$393,573.94 in total disbursements.

4 On February 20, 2009, the Commission sought a written explanation from the
5 Respondents as to why the reports were not timely filed. They responded on February
6 28, 2009, that "delays in filing have been the result of familial and personal setbacks that
7 affected the Treasurer's ability to complete the required training, report composition and
8 subsequent filings in a timely manner."

9 On August 7, 2009, notification was provided to the Respondents in accordance
10 with the Commission's Agency Procedure for Notice to Respondents in Non-Complaint
11 Generated Matters as published on August 4, 2009, in the Federal Register (74 FR
12 38617). The Respondents were provided with the opportunity to submit written factual
13 or legal materials relevant to the matter within 15 days from the date of the letter, and
14 their request for an extension until September 4, 2009, was granted. On September 4,
15 2009, the Commission received a response to the notification letter.

16 The Respondents stated that the "matter before you concerns an administrative
17 oversight, which has been corrected." Respondents acknowledged that the "former"
18 treasurer did not timely file the reports.¹ The Respondents' leadership, upon learning the
19 depth of the problem, questioned the treasurer and discovered that the reports were not
20 timely filed because of a "series of personal and familial tragedies that resulted in an
21 inability to discharge his duties." According to the Respondents, the Committee retained
22 and commissioned a new tax specialist in December 2008 to bring it into compliance

¹ Although the Committee referred to Mr. Washington as its former treasurer, he is still listed on the Commission's records as its treasurer.

1 with the Act. The Respondents state that "a new set of controls and oversight have been
2 adopted by the Committee's board to insure [sic] that such an administrative lapse does
3 not re-occur."

4 On September 2 and 11, 2009, the Commission sent seven Requests for
5 Additional Information ("RFAs") to the Committee concerning its 2004 October
6 Quarterly, 2004 Year End, 2005 July Quarterly, 2005 October Quarterly, 2005 Year End,
7 2006 October Quarterly and 2006 Year End Reports. Among other things, the
8 Commission requested additional information from the Respondents regarding potential
9 impermissible contributions from an unregistered organization(s), potential excessive
10 contributions, and potential prohibited contributions from a labor union and/or
11 corporation. On October 13 and 16, 2009, the Commission received two responses to the
12 RFAs, which referenced the 2004 October Quarterly, 2004 Year End, 2005 July
13 Quarterly; and the 2005 October Quarterly Reports, 2005 Year End, 2006 October
14 Quarterly and 2006 Year End Reports, respectively.

15 The responses stated, in essence, that the Respondents maintain two bank
16 accounts, one established for federal activities and one established for non-federal
17 activity. The Respondents "commingled Federal and non-federal funds in the non-federal
18 bank account" resulting in the 2004 and 2006 disclosure reports including "both Federal
19 and non-federal activity," and the 2005 reports including "only non-federal activity."
20 The responses further stated that the "unregistered organizations noted on the above-
21 referenced reports were not required to be registered with the Commission because their
22 receipts related to non-federal activity," which were properly reported to the State of
23 Michigan.

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1 The Respondents also stated, in both responses, that they intended to "perform an
2 extensive review of all transactions covering the above-referenced periods and
3 subsequent periods to separate Federal activity from non-federal activity" and submit
4 amended reports for the above-referenced periods that "will include only Federal activity
5 including the proper allocation of expenses." Further, Respondents stated that they had
6 "retained the services of accountants and consultants that have a thorough knowledge of
7 the requirements of the Federal Election Commission Campaign Guide for Political Party
8 Committees to perform these services." Respondents asked for 120 days to complete the
9 review and amend the Committee's reports.

10 **II. LEGAL ANALYSIS**

11 Each treasurer of a political committee shall file reports of receipts and
12 disbursements in accordance with 2 U.S.C. § 434(a). Political committees, other than
13 authorized committees of a candidate, that file quarterly reports shall file them no later
14 than the 15th day after the last day of each calendar quarter; except that the report for the
15 4th quarter ending on December 31st of such calendar year shall be filed no later than
16 January 31st of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i). In addition,
17 political committees, other than authorized committees of a candidate, shall file a post-
18 general election report no later than the 30th day after the general election and which shall
19 be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii).
20 As set forth above, the Respondents failed to file timely reports ranging from its 2004
21 October Quarterly to its 2008 Year End Report. These reports were late for periods
22 ranging from fourteen months to four years.

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1 Based on the foregoing, on November 3, 2009, the Commission found reason to
2 believe that Fannie Lou Hamer Federal Political Action Committee and Edwin K.
3 Washington, in his official capacity as treasurer, violated 2 U.S.C. § 434a(4)(A)(i) and
4 (iii) by failing to timely file reports. However, on November 9, 2009, the Respondents
5 completed the internal review and filed amended reports covering the period of April 1,
6 2004 and September 30, 2007. As a result, the newly amended reports reflect a lower
7 level of activity than that which was indicated in the Respondents' previously filed
8 reports. The Commission is satisfied that the Respondents' prior filing lapses have been
9 addressed, albeit untimely, and that, given the level of activity reflected in the newly
10 amended reports, the matter no longer warrants further use of the Commission's
11 resources.

12 Given the new information reflected above, the Commission concluded that it
13 would take no further action with respect to this matter and close the file, but it cautions
14 Respondents to file future reports in a timely and accurate manner.

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